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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/380,944	12/06/1999	JEAN-MARC DIMECH		3284

7590

12/31/2002

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EXAMINER

CRAVER, CHARLES R

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 12/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/380,944

Applicant(s)
Dimech

Examiner
Charles Craver

Art Unit
2685



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 2, 2002
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other: |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1, 6-8, 11, 14, 15, 17-19, 22 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Petch et al.

Claims 1 and 6. Petch discloses a process for transmitting data between a set data rate network (19) and processing means (160) linked to the network (FIG 1) by terminal means (14), the terminal means comprising data adaptor means (162) and connected sequencer means (174, 182), wherein the sequencer is locked to the rate of the network (col 2 lines 49-64, col 3 lines 35-45) and the flow of data through the adaptor to the processing means is synchronized with the network (col 2 lines 64-67, col 4 lines 57-32, col 10 line 23-col 11 line 26).

Claim 7. Petch discloses that the locking means comprises a time base (97) based on (reads regulated by) the network clock (col 11 lines 1-26).

Claim 8. Petch discloses that the time base includes frequency dividers (128, 124) to divide the rate of the network and control data (col 9 line 50-col 10 line 22, col 4 lines 53-55).

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Claim 11. Petch discloses that the data adaptor and processing/exchanging means operates to so carry out data adaption synchronism with said interface means (col 10 line 56-col 11 line 26).

Claims 14, 15, 17-19, 22 and 25. Petch discloses that the processing unit is incorporated in the module (FIG 5) in a radiotelephone.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-5, 9, 10, 12, 13, 16, 20, 21, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petch et al.

Claims 2-5, which depend on claim 1. While disclosing applicant's invention of claim 1, and teaching the utility of buffering data at the base station as well as coding and decoding data, Petch does not specifically disclose utilizing a buffer register at the processor for receiving and transmitting data in proper timing. However, given the teaching by Petch that a buffer is useful to temporarily store data prior to processing (col 7 lines 49-60) or transmission (col 7 lines 28-48) at the base station, one of ordinary skill in the art would obviously have been motivated to apply such means to the mobile station so as to keep the data stream synchronized. By buffering the

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data after reception or prior to transmission in synchronism with the network, the data stream would not only be continuous, but would allow the transmission and reception of data at the network rate, which is the main teaching by Petch. In such a case, the buffer would inherently operate according to pulses from the mobile system clock, i.e. the sequencer means.

Claims 9 and 10, which depend on claim 8. Please see the rejection of claims 2-5 above.

Claims 12 and 13, which depend on claim 11. Please see the rejection of claims 2-5 above.

Claim 16, which depends on claim 15. While not disclosing that the data originates from the internet, the internet was notoriously well known at the time of the invention, and as such the examiner takes Official Notice of such a limitation. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize internet communications in the mobile radio of Petch, given the popularity of messaging and wireless E-mail, so as to allow the user more flexibility in his or her wireless usage.

Claims 20, 21, 23 and 24. Please see the rejection of claim 15 above.

Response to Arguments

5. Applicant's arguments filed 10-2-02 have been fully considered but they are not persuasive.

Regarding Petch, the examiner continues to support the rejection over said reference, as shown above. While it is noted that Petch and the instant invention differ in overall scope, the

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claims of the present invention are broadly cited, and as such Petch still reads on the instant invention. Petch teaches means connected to a radio communications network for receiving data at one rate and locking itself to said rate to synchronize the flow of data to another part of the network. This is the same invention as taught in applicant's claim 1, which merely recites a process for receiving data from a radio communications network at an adaptor at one rate, and locking the adaptor to said rate via a sequencer in order to facilitate the flow of data through the adaptor at said rate. While the instant invention, as pointed out by the applicant, teaches in its disclosure that a PC may be connected to the network to present data for transmission (see arguments page 2 line 25-page 3 line 15), the examiner notes that said features are not recited in the rejected claims, and that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The examiner upholds that the CODEC of Petch is an adaptor, as it fulfills the instant recitation of adapting the format to one compatible with the network. Regarding the statement that Petch fails to disclose a PC, the examiner notes again that a personal computer is not stated in the present claimed invention.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 872-9314 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, sixth floor (receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Craver whose telephone number is (703) 305-3965.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Urban, can be reached on (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

cc

C. Craver
December 29, 2002


EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600